



BEFORE THE ELECTRICITY OMBUDSMAN, HARYANA
Haryana Electricity Regulatory Commission
Bays No. 33 - 36, Sector - 4, Panchkula-134109
Telephone No. 0172-2572299; Website: - herc.nic.in
E-mail: eo.herc@nic.in

(Regd. Post)

Appeal No. : 83/2023
Registered on : 19.09.2023
Date of Order : 31.10.2023

In the matter of:

Appeal against the order dated 19.07.2023 passed by CGRF, UHBVNL, Kurukshetra in complaint No. 97/2023.

Smt. Dropati Devi W/o Shri Joginder Singh, R/o Village Umri, **Appellant**
Umri Chowk, Tehsil Thanesar, District Kurukshetra

Versus

1. The Executive Engineer 'Operation', Kurukshetra,
 2. The SDO (Operation), Pipli, S/D Pipli, Kurukshetra
- Respondents**

Before:

Sh. Virendra Singh, Electricity Ombudsman

Present on behalf of Appellant:

Shri Sunil Kumar on behalf of Smt. Dropati Devi

Present on behalf of Respondents:

Shri Adhiraj Singh, Advocate
Shri Abhishek, SDO (Operations), Pipli

ORDER

A. Smt. Dropati Devi has filed an appeal against the order dated 19.07.2023 passed by CGRF, UHBVNL, Kurukshetra in complaint No. 97/2023. The appellant request for following relief as under: -

1. That the above noted appeal is being filed within the period of limitation.
2. That the Ld. Forum had not has been passed without applying its judicious mind.
3. That the order passed by the Ld. Forum is erroneous and patently illegal in eyes of law.
4. That the main facts of the case of Dropati Devi are given below: -
 - i) The Appellant Dropati Devi is residing in domestic house in Khasra No. 67//7/2 in Village Umri, Umri Chowk Tehsil Thanesar District Kurukshetra and is having a domestic connection bearing A/c No.

0982570000 which is in the name of deceased husband of the Appellant namely Joginder Singh. Copy of the electricity bill and death certificate of Joginder Singh is appended herewith.

- ii) That on 4-11-2022 your department along with the police authorities and other officials disconnected the above said connection from the house of the Appellant while the Appellant was regularly paying the bills regarding the above said connection.
- iii) That on 4-11-2022 the Estate Officer Haryana Shar Vikas Paradhikaran (HSVP) Kurukshetra along with other officials of the HSVP department and demolished the some portion of the house of the Appellant and along with your department forcefully in the absence of the Appellant disconnect the above said electricity connection and brought out electricity meter then in a CWP No. 25832/2022 titled as "Sunil Kumar & others Vs State of Haryana " has passed the stay order in favour of the Appellant and others. Copy of the order dated 14.11.2022 is already attached with lower forum file.
- iv) That thereafter the Appellant have filed a application No. 6201/CEA dated 24-11-2022 before the Xen, Kurukshetra to restore the electricity connection but till date they did not bother the said facts and thereafter the Appellant have to approach before the Hon'ble High Court to restore the electricity connection and the Hon'ble Court has passed the order in CWP No. 1176/2023 titled as 'Dropati & others Vs Uttar Haryana Bijli Vitran Nigam".
- v) That the Appellant is very poor lady and residing in her house with her family (including ladies, children and old aged persons) for her forefathers. The electricity connection was also installed from very beginning, but from 04.11.2022 when the electricity connection was disconnect they are living a very miserable life without the electricity due to that disconnection of the electricity they are facing hindrance.
- vi) That the Appellant has paid all the dues/ electricity bills till the disconnection, but in case if any dues will be there, she is ready to pay the same.
- vii) That earlier the Appellant has filed this application to the SDO/Xen, Uttar Haryana Bijli Vitran Nigam Ltd. Sub-Division Pipli District

Kurukshetra but he has not bothered to restore the electricity connection thereafter the Appellant has to be approach to the Hon'ble Punjab & Haryana High Court Chandigarh and vide order dated 25-4-2023 Writ petition No. 8529/2023, the Hon'ble Court has directed the Appellant to appear before the Electricity Ombudsman, Haryana.

5. That the main facts of the case of Gaindi Devi are given below: -

- (i) The Appellant is residing in domestic house in Khasra No. 67//7/2 in Village Umn, Umm Chowk Tehsil Thanesar District Kurukshetra and is having a domestic connection bearing A/c No. 5457580000 which is in the name of the applicant. Copy of Aadhaar Card and voter card of the Appellant are already attached with lower forum file.
- (ii) That on 4-11-2022 your department along with the police authorities and other officials disconnected the above said connection from the house of the Appellant while the Appellant was regularly paying the bills regarding the above said connection.
- (iii) That on 4-11-2022 the Estate Officer Haryana Shari Vikas Paradhikaran (HSVP) Kurukshetra along with other officials of the HSVP department and demolished the some portion of the house of the Appellant and along with your department forcefully in the absence of the Appellant disconnect the above said electricity connection and brought out electricity meter then in a CWP No. 25832/2022 titled as "Sunil Kumar & others Vs State of Haryana " has passed the stay order in favour of the Appellant and others. Copy of the order dated 14-11-2022 is already attached with lower forum file.
- (iv) That thereafter the Appellant have filed a Petition No. 6201/CEA dated 24-11-2022 before the Xen, Kurukshetra to restore the electricity connection but till date they did not bother the said facts and thereafter the Appellant have to approach before the Hon'ble High Court to restore the electricity connection and the Hon'ble Court has passed the order in CWP No. 1176/2023 titled as "Dropati & others Vs Uttar Haryana Bijli Vitran Nigam". Copy of the said order is already attached with lower forum file.

- (v) That the Appellant is very poor lady and residing in her house with her family (including ladies, children and old aged persons) for her forefathers. The electricity connection was also installed from very beginning, but from 4-11- 2022 when the electricity connection was disconnect they are living a very miserable life without the electricity due to that disconnection of the electricity they are facing hindrance.
- (vi) That the Appellant has paid all the dues/ electricity bills till the disconnection, but in case if any dues will be there, she is ready to pay the same.
- (vii) That earlier the Appellant has filed this application to the SDO/Xen, Uttar Haryana Bijli Vitran Nigam Ltd. Sub-Division Pipli District Kurukshetra but he has not bothered to restore the electricity connection thereafter the Appellant has to be approach to the Hon'ble Punjab & Haryana High Court Chandigarh and vide order dated 25-4-2023 Writ petition No. 8529/2023, the Hon'ble Court has directed the Appellant to appear before the Electricity Ombudsman, Haryana.
6. That the Ld. Forum has passed the order without appreciating the facts and the documents filed by the appellants. The appellants were in the peaceful possession in the property in dispute since long time, but the Ld. Forum did not consider these facts while passing the order.
7. That the SDO (OP) has filed the false and baseless reply and also did not produce the ownership or possession's documents in this regard the Ld. Forum has mentioned in 274 reply by SDO Sub Division UHBVN, Pipli dated 16-6-2023 "in this connection it is kindly submitted that as per point No.1 (Proof of ownership of the land of EO, HSVP) this office write a letter to the EO HSVP Kurukshetra vide this office letter Memo No. 705 dated 5-6-2023 and again follow reminder vide letter Memo No.733/P-27/Sdc dated 8-6-2023, Memo No. 809 dated 14-6-2023 as well as personality visit the office of EO, HUDA for providing the possession/ownership proof of land sector-33, meant for Transport Nagar, Umri Kurukshetra but till dated not provide the same. As and when EO HSVP Provide the ownership proof this office will be submitted to the Hon'ble Forum. This is for your kind information and necessary action please.

8. That the Hon'ble Punjab & Haryana High Court has clear the law points on the restoration/installation in a case titled as "Om Parkash Vs Balkar Singh" of 2022 (P & H 3733) decided on 19-12-2022" 'Electricity is an integral part of right to life under article 21 of the constitution the Hon'ble Court has directed the respondent to restore the electricity connection of the suit property of the petitioner till the final disposal of the suit.
 9. That the respondent never remained in possession over the suit land.
 10. That the appellants/plaintiffs are in peaceful, actual and physical possession of the land in dispute.
 11. That in the present case the respondent is the strangers and has got no right, title, interest, link and connection over the suit land, but the HSVP/HUDA Kurukshetra is adamant to take the forcible possession of the suit land which they have no right to do so.
 12. That in the present case, Ld. Lower Court has given its order being on surmises and conjectures and without any clinching or cogent evidence. The Ld. Lower Court has presumed itself that the HSVP Kurukshetra is in possession/ownership on the bogus reply of the respondents.
 13. That the Ld. Lower Court has based its decision merely on surmises and conjectures without appreciating the facts and circumstances of the case.
 14. That there are various other points, which will be argued at the time arguments. It is, therefore, prayed that the appeal may kindly be accepted and order dated 19.07.2023 passed by the Consumer Grievances Redressal Forum, UHBVNL, Sector-8, Near Gymkhana Club, District Kurukshetra in Complaint No. UH/CGFF-97/2023 may kindly be dismissed and respondent may kindly be directed to restore/install the electricity connection in the premises of the appellants, in the interest of justice.
- B.** The appeal was registered on 19.09.2023 as an appeal No. 83/2023 and accordingly, notice of motion to the Appellant and the Respondents was issued for hearing the matter on 10.10.2023.
- C.** The respondent XEN, 'Op.', vide email dated 06.10.2023 has submitted reply which is as under:
1. That para No. 1 of the appeal is matter of record.
 2. That para No. 2 of the appeal is wrong and denied.

3. That para No. 3 of the appeal is wrong and denied.
4. (1) That para No. 4 (1) of the appeal is matter of record. Strict onus lies on the appellant to prove the averments of this para.
(2) That para No. 4 (2) of the appeal is matter of record. Strict onus lies on the appellant to prove the averments of this para. It is submitted that the Estate Officer, HSVP, Kurukshetra had written a letter memo No.177088 dated 14.10.2022 regarding disconnection of the electrical connections of tubewells in Sector-33 Transport Nagar, Umri, Kurukshetra, where some persons are illegally cultivating the HSVP land in Sector-33 Transport Nagar, Umri, Kurukshetra, which is in possession of HSVP. Thereafter, the said electricity connection with account No.0982570000 was permanently disconnected on the request of Estate Officer, HSVP, Kurukshetra as being owner in possession of the said land.
(3) That para No.4(3) of the appeal is matter of record and does not relates with the answering respondents. The answering respondents have no information related to the mentioned Court case.
(4) That para No.4(4) of the appeal is matter of record. However, it is submitted that the electricity connection can only be restored on submission of ownership record or the NOC from the HSVP, Kurukshetra, as the HSVP claimed to be the owner of the property and the appellant has failed to provide any relevant document regarding their ownership. It is relevant to mention here that in CWP NO.1176/2023 the Hon'ble High Court disposed off the said CWP with liberty to the appellants to approach the competent authorities in accordance with the law.
(5) That para No. 4 (5) of the appeal is matter of record.
(6) That para No. 4 (6) of the appeal is matter of record.
(7) That para No. 4 (7) of the appeal is matter of record. However, it is submitted that the electricity connection can only be restored on submission of ownership record or the NOC from the HSVP, Kurukshetra, as the HSVP claimed to be the owner of the property and the appellant has failed to provide any relevant document regarding their ownership. It is relevant to mention here that in CWP

NO.8529/2023 the Hon'ble High Court disposed off the said CWP with liberty to the appellants to approach the competent authorities in accordance with the law.

5. (1) That para No.5(1) of the appeal is matter of record. Strict onus lies on the appellant to prove the averments of this para.
- (2) That para No.5(2) of the appeal is matter of record. Strict onus lies on the appellant to prove the averments of this para. It is submitted that the Estate Officer, HSVP, Kurukshetra had written a letter memo No.177088 dated 14.10.2022 regarding disconnection of the electrical connections of tubewells in Sector-33 Transport Nagar, Umri, Kurukshetra, where some persons are illegally cultivating the HSVP land in Sector-33 Transport Nagar, Umri, Kurukshetra, which is in possession of HSVP. Thereafter, the said electricity connection with account No.5457580000 was permanently disconnected on the request of Estate Officer, HSVP, Kurukshetra as being owner in possession of the said land.
- (3) That para No.5(3) of the appeal is matter of record and does not relates with the answering respondents. The answering respondents have no information related to the mentioned Court case.
- (4) That para No.5(4) of the appeal is matter of record. However, it is submitted that the electricity connection can only be restored on submission of ownership record or the NOC from the HSVP, Kurukshetra, as the HSVP claimed to be the owner of the property and the appellant has failed to provide any relevant document regarding their ownership. It is relevant to mention here that in CWP NO.1176/2023 the Hon'ble High Court disposed off the said CWP with liberty to the appellants to approach the competent authorities in accordance with the law.
- (5) That para No.5(5) of the appeal is matter of record.
- (6) That para No.5(6) of the appeal is matter of record.
6. That para No.6 of the appeal is wrong and denied. There is no such record as to ownership of the appellants filed on the case file.
7. That para No.7 of the appeal is wrong and denied to the extent that the false and baseless reply was filed by the SDO. The reply is based on actual

and factual facts. The contents of the reply are true and correct. It is submitted that the Estate Officer, HSVP, Kurukshetra had written a letter memo No.177088 dated 14.10.2022 regarding disconnection of the electrical connections of tubewells in Sector-33 Transport Nagar, Umri, Kurukshetra, where some persons are illegally cultivating the HSVP land in Sector-33 Transport Nagar, Umri, Kurukshetra, which is in possession of HSVP. It is for the appellants who have to prove that they are owners in possession of the property in question, whereas the first claim regarding ownership and possession has been submitted by the HSVP.

8. That para No.8 of the appeal is matter of record. However, the citation mentioned in this para is not applicable on the facts of the present case since the appellants have already taken the remedy of Hon'ble High Court twice and have not got any relief against the department.
9. That para No.9 of the appeal is vague. The respondents never claimed to be in possession of the suit land.
10. That para No.10 of the appeal is matter of record. There is no such ownership and possession record has been submitted by the appellants with the respondents.
11. That para No.11 of the appeal is matter of record and has nothing to do with the present respondents.
12. That para No.12 of the appeal is wrong and denied.
13. That para No.13 of the appeal is wrong and denied.
14. That para No.14 of the appeal is wrong and denied. The appeal is liable to be dismissed in view of the above submissions.

It is, humbly, prayed that the present appeal being not maintainable may please be dismissed.

- D.** Hearing was held on 10.10.2023, as scheduled. Respondent was present during the hearing through video conferencing. The reply submitted by the respondent is not proper as all issues raised by the appellant have not been addressed. Therefore, the respondent is directed to file point wise reply within 7 days with an advance copy to the appellant. The matter was adjourned for 31.10.2023.
- E.** The respondent XEN, 'Op.', vide email dated 20.10.2023 has submitted 2nd reply which is as under:

The respondent XEN has repeated all the points given in his reply dated 06.10.2023 which are not reproduced here for sake of brevity and submitted following additional plea:

It is very relevant to mention here that the appellant No. 2 Gaindi Devi has never filed any application before Hon'ble CGRF and no order was passed against the appellant No.2 by the Hon'ble CGRF. It is also relevant to mention here that appellant No.2 has never approached to the answering respondents and has no locus standi to file the present appeal. Whereas the title before the Hon'ble CGRF was Smt. Dropati Devi of Pipli V/s Xen /OP Division UHBVN, Kurukshetra. It is relevant to mention here that State of Haryana was never made party to the application filed in front of CGRF, whereas in the present appeal the title and the parties of the appeal are different from that of the CGRF order dated 19.07.2023.

- F.** Hearing was held on today, as scheduled. Both the parties were present through video conferencing. At the outset, the counsel for the respondent submitted that the appellant has included name of Smt. Gaindi Devi as appellant and state of Haryana in the respondents the appeal, whereas the aforesaid names were not included in the original complaint filed before the CGRF. Smt. Gaindi Devi has not filed any appeal before CGRF. Since this appeal is against the order dated 19.07.2023 passed by the CGRF UHBVN in complaint No. 97/2023, the fresh issue/name of the appellant/respondent cannot be included in this appeal at this stage and same may be dropped. The representative of the Appellant agreed with the submission of the respondents and submitted that the matter is confined to the order dated 19.07.2023 in which Smt. Dropati Devi was complainant. Therefore, the matter of Smt. Gaindi Devi is not considered in this appeal.
- G.** Further, the representative of the appellant submitted that the Appellant is very poor lady and residing in her house with her family for long time. The electricity connection was given in very beginning, but it has been disconnected since 04.11.2022 and they are living a very miserable life without the electricity. the Appellant approached the Hon'ble Punjab & Haryana High Court Chandigarh and vide order dated 25.04.2023 Writ petition No. 8529/2023, the Hon'ble Court has directed the Appellant to appear before appropriate Forum for redressal of this grievance.
- H.** Per contra, the respondent SDO submitted that the said electricity connection with account No.0982570000 was permanently disconnected on the request of

Estate Officer, HSVP, Kurukshetra as being owner in possession of the said land and it can only be restored on submission of ownership record or the NOC from the HSVP, Kurukshetra, as the HSVP claimed to be the owner of the property and the appellant has failed to provide any relevant document regarding their ownership.

I. The operative part of the order dated 19.07.2023 passed by the CGRF UHBVN is as under:

“After examining the reply of the respondent SDO, the record available on the file and hearing both the parties, the Forum has observed that the Estate officer, Haryana Shehri Vikas Pradhikaran (HSVP) currently holds the possession/ownership of the land. Hence the meter can only be installed in the name of Smt. Dropti Devi when NOC is granted by the HSVP along with all the necessary documents required for new connection by the complainant as per Nigam instructions. The Forum found the reply of SDO/Respondent in order.

So, the case is disposed of without cost to either of the parties.”

J. In view of the above facts and circumstances, Since the connection of the appellant is disconnected on the request of Estate Officer, HSVP, Kurukshetra as being owner of the said land and can be restored on submission of ownership record or the NOC from the HSVP, Kurukshetra, the order dated 19.07.2023 passed by CGRF UHBVN is found in order and hence upheld and this appeal is disposed of accordingly.

Both the parties to bear their own costs. File may be consigned to record.

Given under my hand on 31st October, 2023.

Sd/-

(Virendra Singh)

Electricity Ombudsman, Haryana

Dated: 31.10.2023

CC-

Memo. No. HERC/EO/Appeal No. 83/2023/ 3297-3303

Dated: 03.11.2023

1. Smt. Dropati Devi W/o Shri Joginder Singh, R/o Village Umri, Umri Chowk, Tehsil Thanesar, District Kurukshetra (Email sanjeev12kumar@gmail.com).
2. The Managing Director, Uttar Haryana Bijli Vitran Nigam Limited (UHBVNL) Vidyut Sadan, IP No.: 3&4, Sector-14, Panchkula (Email md@uhbvn.org.in).
3. Legal Remembrancer, Haryana Power Utilities, Shakti Bhawan, Sector- 6, Panchkula – 134109 (Email lr@hvpn.org.in).
4. The Chief Engineer ‘Op.’, Panchkula (Email ceoppanchkula@uhbvn.org.in).

5. The Superintending Engineer 'Op, Kurukshetra, Near Gymkhana Club, 3rd Floor, UHBVN Bldg, Sector- 8, Kurukshetra (Email seopkurukshetra@uhbvn.org.in).
6. The Executive Engineer 'Operation', Kurukshetra, Divisional Office, Near Gymkhana Club, 2nd Floor, UHBVN Bldg, Sec 8, Kurukshetra (Email xenopkurukshetra@uhbvn.org.in).
7. The SDO (Operation), Pipli, S/D Pipli, Near Gymkhana Club, GND Floor, UHBVN Bldg, Sec 8, Kurukshetra (Email sdooppipli@uhbvn.org.in).

Appeal No. 83/2023/EO